

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF PROTESTED APPLICATION 52459)
FILED TO CHANGE THE POINT OF DIVERSION,)
PLACE AND MANNER OF USE OF A PORTION OF THE)
UNDERGROUND WATERS IN TRUCKEE MEADOWS BASIN)
(87), WASHOE COUNTY, NEVADA.)

RULING

4487

GENERAL

I.

Application 52459 was filed on September 2, 1988, by Chester Cassinelli to change the point of diversion, place and manner of use of 2.4 cubic feet per second (cfs), not to exceed 427.2 acre feet annually, of waters from an underground source previously appropriated under Permit 21464, Certificate 6290, for commercial purposes. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T.19N., R.20E., M.D.B.&M.¹ Permit 21464, Certificate 6290, was issued for 2.4 cfs, not to exceed 427.2 acre feet annually, for irrigation and domestic purposes.²

II.

Application 52459 was timely protested by the Truckee Carson Irrigation District on the grounds that the proposed point of diversion being closer to the Truckee River would tend to increase gradients in the vicinity & remove water from the river. Therefore the protestant requested the application be issued subject to conditions.

FINDINGS OF FACT

I.

The State Engineer initially designated and described the Truckee Meadows Groundwater Basin on March 1, 1978, under the provisions of NRS Chapter 534.030, as a basin in need of

¹File No. 52459, official records in the Office of the State Engineer.

²File No. 21464, official records in the Office of the State Engineer.

administration. The State Engineer finds the proposed point of diversion is within the boundaries of the designated Truckee Meadows Groundwater Basin.³

II.

It is estimated that the potential annual recharge to the groundwater basin from precipitation is 27,000 acre feet.⁴ The estimated annual sub-surface inflow of groundwater is less than 1,200 acre feet.⁵ The State Engineer finds any consumptive withdrawal in excess of the natural recharge will either deplete the groundwater reservoir or cause additional surface water to percolate into the groundwater reservoir.

III.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the

³State Engineer's Order No. 708, dated March 1, 1978, official records in the Office of the State Engineer.

⁴In a preliminary report titled Hydrology Evaluation of the Truckee Meadows Basin, Washoe County, prepared by LeRoy Crandall and Associates, 1977, the perennial yield of the basin was estimated on the order of 25,000 acre feet. The report further concluded, based on qualitative methods, that the "permissible" yield of the basin was 8,000 acre feet, assuming all pumped groundwater meets drinking water standards. The report also estimated that the total groundwater in storage had decreased approximately 16,000 acre feet in the period 1960 to 1977. See also, Hydrologic Evaluation of the Truckee Meadows Basin, Washoe County, Nevada, by LeRoy Crandall and Associates, public record in the Office of the State Engineer.

⁵Van Denburgh, A.S., Lamke, R.D., and Hughes, J.L., Water Resources - Reconnaissance Series Report 57, A Brief Water - Resources Appraisal of the Truckee River Basin, Western Nevada, Department of Conservation and Natural Resources, Division of Water Resources, and United States Geological Survey, pp. 38, 44, 45.

perennial yield is continually exceeded, groundwater levels will decline until the groundwater reservoir is depleted.⁶ Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship. The State Engineer finds that existing groundwater rights in the Truckee Meadows Groundwater Basin exceed 87,000 acre feet annually.

IV.

Permit 21464, Certificate 6290, was issued for 2.4 cfs for irrigation and domestic purposes. The place of use of Permit 21464, Certificate 6290, is an area historically irrigated under Claim 583 of the Final Decree in United States v. Orr Water Ditch Co., In Equity Docket No. A-3 (D. Nev. 1944). The State Engineer finds that Permit 21464, Certificate 6290, was issued supplemental to Truckee River Decree Claim 583.

V.

A supplemental groundwater right is used when surface water is not available. The State Engineer finds that to change the use to a primary right would tend to place a greater burden on the groundwater basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.⁷

⁶State Engineer's Office, Water for Nevada, State of Nevada, Water Planning Report No. 3, p. 13, Oct. 1971.

⁷NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:

- A. the proposed use conflicts with existing rights, or
- B. the proposed use threatens to prove detrimental to the public interest.⁸

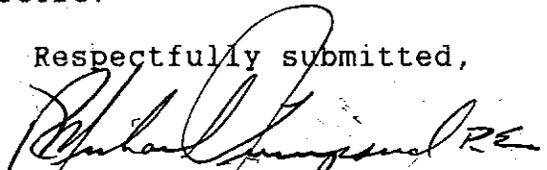
III.

The change of a supplemental permit to a primary use would result in additional consumptive use in this designated basin. The State Engineer concludes that additional withdrawal and consumption of the underground water as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

RULING

Application 52459 is denied on the grounds that the change of a supplemental right to a primary right as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,


E. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MJR/ab

Dated this 10th day of
January, 1997.

⁸NRS 533.370(3).